UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/602,167 | 06/24/2003 | Christian Gehrmann | P18116-US1 | 9436 |

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| EXAMINER |
|---|
| TRUONG, THANHNGA B |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2438 | |

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|---|---|
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| *Advisory Action*<br>*Before the Filing of an Appeal Brief* | Application No.<br>*10/602,167* | Applicant(s)<br>GEHRMANN, CHRISTIAN | |
|---|---|---|---|
| | Examiner<br>THANHNGA B. TRUONG | Art Unit<br>2438 | |

### *--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED <u>19 October 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): <u>112 first paragraph issue and 101 issue for claims 10-11</u>.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *None*.

   Claim(s) objected to: *None*.

   Claim(s) rejected: *1-12*.

   Claim(s) withdrawn from consideration: *None*.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Thanhnga B. Truong/
Primary Examiner, Art Unit 2438

Continuation of 11. does NOT place the application in condition for allowance because: Applicant and/or applicant'srepresentative have/has argued that it is improper to combine the teaching of Graveman and Carman and that examiner has failed to show any sufficient reason for combining the references, and therefore the claims are not obvious in view of any combination of the cited references.

Examiner respectfully disagrees with the applicant and/or applicant'srepresentative. Applicant's arguments filed October 19, 2009, with respect to the rejection(s) of claim(s) 1-12 under 35 USC § 103 have been fully considered, but they are still not persuasive. Applicant and/or Applicant Representative have argued the same subject matter as in remarks/arguments filed February 11, 2008, September 23, 2008, October 14, 2008, and April 23, 2009. Therefore, examiner will maintain the same subject matter as in the previous actions.
Applicant and/or Applicant's Representative argue that:
The combination of teaching between Graveman and Carman for claims 1-5, 7-12 and the combination of teaching between Graveman, Carman, and Shokrollahi for claims 5-6 are improper.
Examiner respectfully disagrees with Applicant and/or Applicant's Representative and still believes that the combination of teaching between Graveman and Carman teaches the claimed subject matter. In fact, Graveman teaches An approximate message authentication code (AMAC) which, like conventional message authentication codes, provides absolute authentication of the origin of the message, yet provides an approximate integrity check for the content of the message. The approximate integrity check will be computed probabilistically and will likely be the same for messages having only a small percentage of different bits. A distance measure on the AMACs, such as a Hamming distance measure, may be used to determine whether the number of bit differences between the messages is likely to be within an acceptable amount. The AMAC is a probabilistic checksum based on a shared key. The AMAC uses the message and a shared key as inputs (see abstract of Graveman, and more details of claim 1's limitation are taught by Graveman in column 5, lines 13-40; column 6, line 64 through column 7, line 19; column 8, lines 31-35 of Graveman).
Although Graveman teaches the technique to process message authentication code using initial vectors (which is the symbols of the codeword), Graveman is silent on the capability of showing the details of forming a codeword (e.g., message authentication code or data word) and the tag value to be the selected symbol. On the other hand, Carman teaches codeword in column 2, lines 1-11; column 20, lines 57-67 of Carman, and tag value in Figures 1, 17A-17B and more details in column 3, lines 35-43; column 26, lines 25-36 of Carman. Thus, the combination of teaching between Graveman and Carman teaches the claimed subject matter.
The combination of the teaching between Graveman and Carman further teaches the type of error correction code, wherein Reed-Solomon is one kind of error correcting code which defines in terms of finite field. However they are silent on the capability to show the tag value is an element in a finite field (column 5, lines 37-40 of Graveman). On the other hand, Shokrollahi teaches this limitation (as shown in column 1, lines 19-35 of Shokrollahi). Thus, the combination of teaching between Graveman, Carman, and Shokrollahi teaches the claimed subject matter.
In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, based on the above response, the combination of teaching between Graveman, Carma, and Shokrollahi is proper and efficient.
It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the invention of Graveman (if indeed is not inherently) with the teaching of Carman to authenticating the source and integrity of transmitted or stored information (column 1, lines 24-25 of Graveman). The ordinary skilled person would have been motivated to have modified the invention of Graveman (if indeed is not inherently) with the teaching of Carman to provide absolute authentication of the source or origin of a received message and permits verifying approximate integrity between the original message and the received message (column 1, lines 28-31 of Graveman).
For the above reasons, it is believed that the rejections should be sustained.